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Report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Security Council
Sixty-ninth year

Report of the International Tribunal for the Former Yugoslavia

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly and the members of the Security Council the twenty-first annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991, submitted by the President of the International Tribunal in accordance with article 34 of the Statute of the Tribunal (see S/25704 and Corr.1, annex) which states that the President of the International Tribunal shall submit an annual report of the International Tribunal to the Security Council and to the General Assembly.

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Letter of transmittal

Letter dated 1 August 2014 from the President of the International Tribunal for the Former Yugoslavia addressed to the President of the General Assembly and the President of the Security Council

I have the honour to submit the twenty-first annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991, dated 1 August 2014, to the General Assembly and the Security Council, pursuant to article 34 of the statute of the International Tribunal.

(*Signed*) Theodor **Meron**
President

Twenty-first annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Summary

The twenty-first annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991 covers the period from 1 August 2013 to 31 July 2014.

The Tribunal continued to focus on the completion of all trials and appeals, rendering two appeal judgements. Nine cases — 4 trials and 5 appeals — remain. All 161 indicted individuals are accounted for. At the close of the reporting period, 16 persons were in appeal proceedings and 4 were on trial. The present report details the activities of the Tribunal during the reporting period and demonstrates the commitment of the Tribunal to completing its proceedings as soon as possible, but without sacrificing due process.

The President of the Tribunal focused his efforts on completing the judicial work expeditiously, while maintaining high standards of procedural justice. In this context, he undertook and promoted efforts to monitor and prevent delays, including training programmes, and expedited translations of trial judgements. The President also facilitated successful efforts to bring two additional judges to the Tribunal, thereby reducing the likelihood that the judges' workload would delay proceedings.

With the valuable assistance of the Office of Legal Affairs of the Secretariat and the Security Council Informal Working Group on International Tribunals, the Tribunal continued to support a smooth transition of functions to the International Residual Mechanism for International Criminal Tribunals. While preparing for this transition, the Tribunal continued to make significant contributions to both the development of legal norms of international criminal law and procedure and to the maintenance of peace and stability in the States of the former Yugoslavia.

The Office of the Prosecutor made progress towards the completion of the mandate of the Tribunal at both the trial and appellate levels. The Office continued to develop working relationships with the authorities of the States of the former Yugoslavia to encourage cooperation with the Tribunal and to support domestic war crimes prosecutions.

Under the authority of the President, the Registry provided administrative and judicial support to the Tribunal, coordinating a wide range of legal, policy and operational matters. The Registry also coordinated the practical arrangements necessary for the transfer of responsibilities to the Mechanism.

I. Introduction

1. The twenty-first annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991 outlines the activities of the Tribunal for the period from 1 August 2013 to 31 July 2014.

2. During the reporting period, the Appeals Chamber delivered judgements in the *Šainović et al.* and *Đjorđjević* cases, as the Tribunal continued to implement its completion strategy as endorsed by the Security Council in resolution 1503 (2003). At the close of the reporting period, fewer than 10 trials and appeals were pending, the Tribunal had concluded proceedings against 141 of the 161 persons indicted and there were no outstanding indictments for violations of core statutory crimes. Five appeals involving 16 persons and four trials involving 4 persons were ongoing.

3. The President, Judge Theodor Meron, and the Vice-President, Judge Carmel Agius, were re-elected for an additional two-year term in October 2013. The Prosecutor, Serge Brammertz, and the Registrar, John Hocking, continued to fulfil their duties at the Tribunal.

4. The members of the Tribunal continued to identify and adopt measures to maximize the efficiency of its judicial proceedings while preserving the highest levels of procedural fairness. Additional training programmes for legal drafters were organized; the translation process was actively managed, with additional resources assigned to translations of lengthy judgements; and the progress of trials and appeals was closely monitored to address potential causes of delay. During the reporting period, two additional judges were welcomed to the Tribunal, who were assigned to the Appeals Chamber and whose presence will help prevent delays in completing ongoing cases.

II. Activities involving the entire Tribunal

A. President

5. The President oversaw the work of the Tribunal, focusing on the judicial responsibilities of his office and on initiatives aimed at the timely completion of trials and appeals. He also pursued capacity-building and legacy projects and met with Governments and international organizations.

1. Preventing delays and strengthening the Appeals Chamber

6. The President coordinated closely with the judges of the Tribunal to reduce the risk of delays in trials and appeals. Among other efforts, the President closely monitored the progress of cases and proactively assigned additional legal staff to teams requiring assistance.

7. The President acted to prevent potential delays caused by the workload of the Appeals Chamber and successfully facilitated efforts to bring additional judges to the Tribunal. Judge Mandiaye Niang of Senegal was sworn in on 30 October 2013 and has been assigned to the trial bench in the case of *Prosecutor v. Vojislav Šešelj* and the appeal in the case of *Prosecutor v. Vujadin Popović et al.* Judge Koffi Kumelio A. Afande of Togo was sworn in on 12 December 2013 and has been

assigned to two appeals in the cases of *Prosecutor v. Jovica Stanišić and Franko Simatović* and *Prosecutor v. Mićo Stanišić and Stojan Župljanin*; interlocutory appeals in the *Karadžić*, *Mladić*, and *Šešelj* cases; and two appeals from the International Criminal Tribunal for Rwanda, *Prosecutor v. Édouard Karemera and Matthieu Ngirumpatse* and *Prosecutor v. Callixte Nzabonimana*.

2. Capacity-building and legacy

8. The Tribunal worked with the Organization for Security and Cooperation in Europe (OSCE) on the second phase of the War Crimes Justice Project. That phase included skills training for judges, prosecutors and defence lawyers in the former Yugoslavia. In addition, the Tribunal participated in peer-to-peer meetings for judges and witness support services in the region.

9. The Tribunal continued to work with local authorities and international partners to establish information centres in the former Yugoslavia. In Bosnia, the project has the support of all three members of the Presidency (Bosniak, Serbian and Croatian), who agreed that at least two centres should be established in Bosnia, one in Sarajevo in the Federation of Bosnia and Herzegovina and one in Banja Luka in Republika Srpska. The city of Sarajevo has been identified as the local partner that will host the information centre, while in Banja Luka the proposed host institution is the Archive of Republika Srpska. The Mayor of Sarajevo has pledged space for the centre in the renovated city hall, while the initial proposal for Banja Luka is for the centre to be situated on the premises of the Archive. Furthermore, following a request made by victims' associations from Srebrenica during a meeting with the President of the Tribunal, contact has been made with the Srebrenica-Potočari Memorial and Cemetery for the Victims of the 1995 Genocide to explore the possibility of establishing an information centre in the Srebrenica region on the premises of the Memorial. The representatives of the Memorial have confirmed their general interest in joining the project and further details will be discussed in the coming months. In Croatia, the authorities restated their position that an information centre could be hosted on the premises of the University of Zagreb should the decision be made to establish a centre in Croatia. In Serbia, the new Government has yet to provide an official response to the proposal to establish an information centre. Initiatives in all countries will require external funding and support.

10. In November 2013, to mark the twentieth anniversary of its establishment by Security Council resolution 827 (1993), the Tribunal convened a conference in Sarajevo. The conference discussed a number of key topics, including victim and witness protection, support in war crimes trials before national courts and the legacy, achievements and continuing challenges of the Tribunal. The President gave a keynote address at the conference, which was attended by representatives of various communities in the former Yugoslavia, officials from national judiciaries and regional and international experts, panellists and speakers.

3. Relations with Governments and international organizations

11. Throughout the reporting period the President conducted a number of missions on behalf of the Tribunal, during which he provided briefings to government and judicial officials on the work of the Tribunal, the implementation of the completion strategy, the transition to the Mechanism and the challenges facing the Tribunal. The President undertook such visits to Bosnia and Herzegovina from 24 to 28 November

2013; to France on 10 January 2014; to the United Kingdom of Great Britain and Northern Ireland on 19 and 20 May 2014; to the United States of America on 29 and 30 May 2014; and to Croatia on 6 and 7 July 2014.

12. The President also made presentations regarding the work of the Tribunal to the principal organs of the United Nations. On 14 October 2013, he addressed the General Assembly regarding the twentieth annual report of the Tribunal (A/68/255-S/2013/463). On 5 December 2013, the President addressed the Security Council to present the twentieth completion strategy report of the Tribunal (S/2013/678). On 5 June 2014, the President addressed the Security Council regarding the twenty-first completion strategy report of the Tribunal (S/2014/351).

13. The Tribunal hosted a number of official visitors during the reporting period, who met with the President, judges and other officials to learn about the achievements, challenges and ongoing work of the Tribunal. Government representatives who visited included a delegation from the Ministry of Justice of the Netherlands, Under-Secretaries of State for Justice from Germany and diplomats from various embassies. Visits by legal professionals included delegations of judges from China, Germany and the Republic of Korea; a group of judges from East Africa, including the President of the East African Court of Justice and the Chief Justice of the United Republic of Tanzania; a group of French judges and prosecutors; and a delegation of Spanish magistrates.

4. Judicial activity

14. The Statute of the Tribunal, the rules of procedure and evidence and the practice directions confer upon the President certain judicial functions. In carrying out such duties the President issued numerous orders assigning cases to Chambers and reviewed several decisions of the Registrar in the reporting period. The President also considered three requests for pardon, commutation of sentence, transfer and early release of persons convicted by the Tribunal, granting two requests and rejecting one.

5. Transition to the Mechanism

15. The branch of the Mechanism in The Hague commenced operations on 1 July 2013. The President has taken active steps to ensure a smooth handover of functions to the Mechanism, liaising with internal and external stakeholders and facilitating the development of necessary practices and procedures.

B. Bureau

16. Pursuant to rule 23 of the rules of procedure and evidence, the Bureau is composed of the President, the Vice-President and the presiding judges of the Trial Chambers. During the reporting period, the President consulted the Bureau on requests for pardon, commutation of sentence and early release of convicted persons serving their sentences. The Bureau also advised the President on general policy matters relevant to the Tribunal.

C. Coordination Council

17. Pursuant to rule 23 bis of the rules of procedure and evidence, the Coordination Council consists of the President, the Prosecutor and the Registrar. The Council held several meetings during the reporting period to discuss, inter alia, archives, budgetary concerns and ensuring a smooth transition to the Mechanism.

D. Plenary sessions

18. During the reporting period, the judges held three plenary sessions, on 1 October and on 10 December 2013 and on 17 July 2014.

E. Rules Committee

19. The judicial membership of the Rules Committee comprises Vice-President Carmel Agius (Chair), President Theodor Meron and Judges Christoph Flügge, Alphons Orie, and O-Gon Kwon. The non-voting members include the Prosecutor, the Registrar and a representative of the Association of Defence Counsel. During the reporting period, the Rules Committee met on 15 May 17 June and 25 June 2014, to discuss proposed amendments to the rules of evidence and procedure and make recommendations to the judges of the Tribunal.

III. Activities of the Chambers

A. Composition of the Chambers

20. Twenty-three judges from 22 countries currently serve at the Tribunal. The Chambers are currently composed of 14 permanent tribunal judges, 6 permanent judges of the International Criminal Tribunal for Rwanda serving in the Appeals Chamber and 3 ad litem judges.

21. The permanent judges are Theodor Meron (President, United States), Carmel Agius (Vice-President, Malta), Christoph Flügge (Germany), Alphons Orie (Netherlands), O-Gon Kwon (Republic of Korea), Patrick Robinson (Jamaica), Fausto Pocar (Italy), Liu Daqun (China), Jean-Claude Antonetti (France), Bakone Justice Moloto (South Africa), Burton Hall (Bahamas), Howard Morrison (United Kingdom), Guy Delvoie (Belgium) and Koffi Kumelio A. Afande (Togo). The permanent judges from the International Criminal Tribunal for Rwanda serving in the Appeals Chamber are William Hussein Sekule (United Republic of Tanzania), Mehmet Güney (Turkey), Arlette Ramaroson (Madagascar), Khalida Rachid Khan (Pakistan), Bakhtiyar Tuzmukhamedov (Russian Federation) and Mandiaye Niang (Senegal).

22. The ad litem judges are Antoine Kesia-Mbe Mindua (Democratic Republic of the Congo), Flavia Lattanzi (Italy), and Melville Baird (Trinidad and Tobago). Frederik Harhoff (Denmark) served as an ad litem judge during the reporting period but left the Tribunal on 21 October 2013.

23. At the close of the reporting period, the Trial Chambers were composed of Judges Orie (presiding), Kwon (presiding), Flügge (presiding), Antonetti, Moloto, Hall, Morrison, Delvoie, Mindua, Lattanzi and Baird.

24. At the close of the reporting period, the Appeals Chamber was composed of Judges Meron (presiding), Agius, Sekule, Robinson, Güney, Pocar, Liu, Ramaroson, Khan, Tuzmukhamedov, Niang, and Afande.

B. Principal activities of the Chambers

25. There were no pretrial cases pending before Trial Chambers during the reporting period.

1. Trial Chamber I

Mladić

26. Ratko Mladić is charged with 11 counts of genocide, crimes against humanity, and violations of the laws or customs of war, all in relation to acts allegedly committed in Bosnia and Herzegovina between 12 May 1992 and 30 November 1995. The Trial Chamber is composed of Judges Orie (presiding), Flügge and Moloto. The trial commenced on 16 May 2012. The defence case started on 19 May 2014 and the judgement is expected in July 2016.

2. Trial Chamber II

Hadžić

27. Goran Hadžić is charged with 14 counts of crimes against humanity and violations of the laws or customs of war, all in relation to acts allegedly committed in Croatia and Serbia between 25 June 1991 and December 1993. The Trial Chamber is composed of Judges Delvoie (presiding), Hall and Mindua. The trial commenced on 16 October 2012. The defence case started on 3 July 2014, and the judgement is expected in December 2015.

3. Trial Chamber III

Karadžić

28. Radovan Karadžić is charged with 11 counts of genocide, crimes against humanity and violations of the laws or customs of war, all in relation to acts allegedly committed in Bosnia and Herzegovina between 1992 and 1995. The Trial Chamber is composed of Judges Kwon (presiding), Morrison, Baird and Lattanzi (reserve). The trial commenced on 26 October 2009. The defence case closed on 2 May 2014 and closing arguments are expected in September 2014. The judgement is expected in October 2015.

Šešelj

29 Vojislav Šešelj is charged with nine counts of crimes against humanity and violations of the laws or customs of war, all in relation to acts allegedly committed in Croatia, Bosnia and Herzegovina and Vojvodina (Serbia) between August 1991 and September 1993. Following the disqualification of Judge Harhoff in October 2013, while the case was in its deliberation phase, the Trial Chamber is now

composed of Judges Antonetti (presiding), Niang and Lattanzi. The decision of the Trial Chamber that the trial could continue, despite Judge Harhoff being replaced by Judge Niang, was upheld by the Appeals Chamber.

30. Judge Niang must now certify that he has familiarized himself with the record of proceedings prior to their recommencement. Judge Niang has advised that he will require at least until the end of June 2015 in order to familiarize himself with these proceedings. Presiding Judge Antonetti has indicated that he will do his best to shorten the period required to render the judgement once Judge Niang's review has been completed.

4. Rule 11 bis Referral Bench

31. The Rule 11 bis Referral Bench has transferred all low- and mid-level accused from its trial docket in accordance with Security Council resolution 1503 (2003). During the reporting period, the Rule 11 bis Referral Bench issued a confidential decision in relation to a previously referred case.

5. Hearings pursuant to rule 75 (H) and (G), rule 75 bis and rule 75 ter of the rules of procedure and evidence

32. On the request of a third party, two hearings pursuant to rule 75 bis of the rules of procedure and evidence were conducted. Since the responsibility for applications in cases where no chamber of the Tribunal remains seized has now moved to the Mechanism, the former specially appointed chamber that addressed applications under the rules no longer exists.

6. Principal activities of the Appeals Chamber

(a) Interlocutory appeals

33. The Appeals Chamber issued nine decisions on interlocutory appeals.

(b) Appeals on the merits

34. The Appeals Chamber rendered two final judgements during the reporting period.

35. In the case of *Prosecutor v. Nikola Šainović et al.*, the appeal judgement was rendered on 23 January 2014. The Appeals Chamber affirmed the majority of the defendants' convictions while granting certain grounds of appeal raised by the appellants. The Appeals Chamber reduced Mr. Šainović's sentence from 22 to 18 years of imprisonment; affirmed Nebojša Pavković's sentence of 22 years of imprisonment; reduced Vladimir Lazarević's sentence from 15 to 14 years of imprisonment; and reduced Sreten Lukić's sentence from 22 to 20 years of imprisonment.

36. In the case of *Prosecutor v. Vlastimir Đorđević*, the appeal judgement was rendered on 27 January 2014. The Appeals Chamber affirmed the majority of Mr. Đorđević's convictions, while granting, either in full or in part, certain grounds of appeal raised by him and one ground of appeal raised by the prosecution. Granting the latter ground of appeal, the Appeals Chamber entered an additional conviction for persecution (sexual assault). The Appeals Chamber reduced Mr. Đorđević's sentence from 27 to 18 years of imprisonment.

37. Five Appeals Chamber cases discussed in the previous annual report, namely *Prosecutor v. Vujadin Popović et al.*, *Prosecutor v. Zdravko Tolimir*, *Prosecutor v. Jovica Stanišić and Franko Simatović*, *Prosecutor v. Mićo Stanišić and Stojan Župljanin* and *Prosecutor v. Jadranko Prlić et al.*, are still pending before the Appeals Chamber. The Appeals Chamber held an appeal hearing in the *Popović et al.* case in December 2013. Pre-appeal activity is ongoing in the other cases and judgements in the five cases are respectively forecast to be rendered in October 2014, March June 2015 and November 2015 and mid-2017.

38. As set out above, the appeal judgement in the case of *Prosecutor v. Jovica Stanišić and Franko Simatović* is now forecast for June 2015, later than the previous forecast of December. The reasons for the delay in the case are as follows: (a) the fact that the initial projection was based on an incorrect assessment of the case, as compared with other cases and (b) supervening difficulties during the first half of the current year in the activities of the legal team charged with assisting the Chamber in the pre-appeal phase, which were only identified in June 2014. Once the latter problem had been identified, action was immediately taken to avoid any further delay and a new coordinator was appointed to lead the team.

(c) Other appeals

39. In the case of *Prosecutor v. Milan Lukić and Sredoje Lukić*, the Appeals Chamber denied, on 30 August 2013, Sredoje Lukić's motion seeking reconsideration of the appeal judgement.

40. In the case of *Prosecutor v. Momčilo Perišić*, on 20 March 2014, the Appeals Chamber denied a prosecution motion seeking reconsideration of the appeal judgement.

41. A total of 126 pre-appeal decisions and orders were issued during the reporting period.[1]

IV. Activities of the Office of the Prosecutor

A. Completion of trials and appeals and transition to the Mechanism

42. During the reporting period, the Office of the Prosecutor remained focused on ensuring the expeditious continuation of trial proceedings and efficiently handling the remaining appeals, while contending with the problem of escalating staff attrition and downsizing. The Office continued to allocate its resources flexibly to ensure that it met all its obligations, while maintaining the highest standards of justice. On 1 July 2013, the Office transferred some of its functions to the Mechanism and has since continued to assist Mechanism officials and personnel in transferring functions in accordance with the prescribed transitional arrangements.

43. In the reporting period, judgements were issued in two appeals (*Šainović et al.* and *Đorđević*). At the end of the reporting period two cases were in the phase of presentation of defence evidence (*Hadžić* and *Mladić*); one case was in the final briefing process following the completion of the phase of presentation of defence evidence (*Karadžić*); and one case was still awaiting judgement at the trial chamber

[1] This figure includes orders and decisions filed as of 30 July 2013.

level (*Šešelj*). In addition, five cases were on appeal (*Popović et al.*, *Tolimir*, *Stanišić and Župljanin*, *Prlić et al.*, and *Stanišić and Simatović*).

B. Cooperation

44. The Office of the Prosecutor continued to rely on the full cooperation of States to fulfil its mandate. The cooperation of the States of the former Yugoslavia remains important and is primarily focused on day-to-day support for ongoing trials and appeals. The Prosecutor continued to foster working relations with national prosecutors, meeting with officials in Sarajevo in October 2013 and April 2014; in Belgrade in November 2013 (with his planned May 2014 visit cancelled due to the floods) and in Brijuni, Croatia, in May 2014 to discuss cooperation and other issues of mutual relevance. The Office will continue to request cooperation from Serbia, Croatia and Bosnia and Herzegovina in support of its ongoing casework in the months to come.

1. Cooperation of Serbia

45. Serbia continued to play an important role in ensuring the successful completion of the work of the Office of the Prosecutor. Serbia has been diligent in processing requests for assistance from the Office and has adequately facilitated its access to witnesses, including by facilitating the appearance of witnesses before the Tribunal.

2. Cooperation of Croatia

46. Over the course of the reporting period, the Croatian authorities provided timely and adequate responses to day-to-day requests for assistance from the Office of the Prosecutor and facilitated access to witnesses and evidence as required. Throughout the presentation of the prosecution evidence in the Hadžić trial, Croatia facilitated videoconference links, enabling elderly or ill witnesses to give evidence without having to travel to the Tribunal and in September 2013, it facilitated a site visit of the Hadžić trial chamber to certain locations in eastern Croatia referred to in the Hadžić indictment.

3. Cooperation of Bosnia and Herzegovina

47. During the reporting period, the authorities of Bosnia and Herzegovina responded promptly and adequately to most requests from the Office of the Prosecutor for documents and access to government archives. They also provided valuable assistance with witness protection matters and facilitated the appearance of witnesses before the Tribunal.

4. Cooperation between States of the former Yugoslavia in judicial matters

48. The Office of the Prosecutor continued to promote improved regional cooperation and collaboration in war crimes matters as an essential tool for combating impunity in the former Yugoslavia. The Office also fostered productive working relationships between regional prosecutors. A protocol on the exchange of information and evidence in war crimes cases was adopted between Bosnia and Herzegovina and Montenegro on 29 April 2014, following the signing of similar protocols between Bosnia and Herzegovina and Serbia and Croatia in the previous

reporting period. While investigative files have been transferred as a result of the protocols, no indictments have yet been transferred. The Office encourages the respective authorities to produce concrete results from implementation of the protocol.

49. The regional cooperation protocols came under public scrutiny in January and February 2014, when Serbia and Croatia issued international arrest warrants against citizens of Bosnia and Herzegovina. One of the aims of the protocols was to avoid the potentially destabilizing effects in the region of issuing such warrants. The Office of the Prosecutor encourages the signatories to use the channels described in the protocols as the primary avenue for concluding any investigations concerning individuals in other States.

5. Cooperation of other States and organizations

50. Cooperation and support from States outside the former Yugoslavia and from international organizations remained important for the successful completion of the mandate of the Tribunal. In order to progress its remaining casework expeditiously, the Office of the Prosecutor must continue to access the wealth of information held in the archives and other institutions of Member States of the United Nations. The Office acknowledges the assistance it has received from the United Nations and its agencies, the European Union, the North Atlantic Treaty Organization, OSCE, the Council of Europe and non-governmental organizations, including those active in the former Yugoslavia.

C. Transition from the Tribunal to national war crimes prosecutions

51. As the Tribunal moved closer to the completion of its mandate, the Office of the Prosecutor remained committed to promoting effective war crimes prosecutions in the former Yugoslavia. During the reporting period, the Office continued to provide information related to the ongoing cases at the Tribunal to assist national jurisdictions in prosecuting crimes arising out of the conflict in the former Yugoslavia. The joint European Union/Tribunal "liaison prosecutors" project, in its fifth year of operation, remained a central component of the Office's strategy to strengthen the capacity of national criminal justice systems in the former Yugoslavia to undertake war crimes cases.

52. However, the Office was seriously concerned about the very limited progress in the investigation and prosecution of the category II cases (investigation files), almost five years after it transferred the last such case to Bosnia and Herzegovina. In spite of assurances in numerous meetings concerning the completion of those cases, only one prosecutorial decision had been taken resulting in the issuance of an indictment. No prosecutorial decision had been taken to close or complete another category II investigation. The Prosecutor has called upon the Prosecutor's Office of Bosnia and Herzegovina to devote serious time and attention to those cases. The Prosecutor will return to Bosnia and Herzegovina in September to review the progress that has been made towards resolving the outstanding category II caseload.

53. The Office of the Prosecutor continued to urge the authorities of Bosnia and Herzegovina to finalize investigations arising out of material it has transferred to them concerning crimes documented in cases brought by the Office, but which did not form part of indictments at the Tribunal.

54. Serious issues remained in relation to the implementation of the national war crimes strategy in Bosnia and Herzegovina. The strategy continues to face considerable delays and a large backlog of cases remains to be prosecuted. The Prosecutor's Office of Bosnia and Herzegovina has indicated that its initial deadline for completing 352 complex cases will need to be extended for three years, until the end of 2018.

55. Although there has been some progress in the transfer of cases from State judicial organs to entity judicial organs, the number of indictments issued by the entities remained low. Continued attention is needed regarding the resources available for investigating and prosecuting cases at the entity level.

56. Comprehensive measures and a commitment to radical improvements are required to make the strategy effective. The Office of the Prosecutor hopes that the recent increase in staff numbers in the Prosecutor's Office of Bosnia and Herzegovina, including the near doubling of the number of prosecutors in the war crimes department, will advance the implementation of the strategy in the upcoming period. The Office will follow the anticipated progress closely. In addition, the Office urges the authorities of Bosnia and Herzegovina to pay increased attention to cases of sexual violence, given the reported magnitude of such crimes and the current dearth of prosecutions devoted to them.

D. Capacity-building and legacy

57. The Office of the Prosecutor has continued its efforts to transfer expertise and information to national authorities in order to build capacity for national war crimes prosecutions in the former Yugoslavia. It has also sought to share the lessons learned and best practices developed from its work over the past 21 years with national counterparts working across a range of criminal justice sectors in Africa, South America, Europe and the Middle East. While directly relevant to national war crimes prosecutions, the experience of the Office is also beneficial for the investigation and prosecution of other types of transnational and complex crimes, such as terrorism and organized crime.

V. Activities of the Registry

58. During the reporting period, the Registry provided judicial, diplomatic, operational and administrative support for the Tribunal and managed its outreach programme.

59. The Registry serves a wide range of clients, including judges and parties, witnesses and detained persons, Member States and international organizations. The Registry administers court operations and judicial records, provides assistance to national jurisdictions, offers protection and support services to witnesses, administers the legal aid scheme of the Tribunal, explains the mandate and achievements of the Tribunal and manages the United Nations Detention Unit. It develops policies and negotiates agreements. In addition, the Registry coordinates or provides the entire spectrum of administrative services from human resources to security, procurement to finance and budget, information technology and general services, to the provision of health services.

A. Division of Judicial Support Services

60. During the reporting period, the Registry supported four cases on trial and seven on appeal, involving 25 accused persons.

61. The Judicial Support Services Division underwent a major restructuring and consolidation to streamline its operations and respond to the downsizing efforts of the Tribunal. The restructuring included the merger of part of the former Court Management Support Services, the Victims and Witnesses Section and the Office for Legal Aid and Defence into one new section: the Court Support Services Section as of 1 March 2014. The recently established Section has four units: the Witness Support and Operations Unit and the Witness Protection Unit (collectively referred to as the Victims and Witnesses Section), the Courtroom Operations Unit and the Office for Legal Aid and Defence. Another part of the former Court Management Support Services, now called the Judicial Records Unit, reports to the Mechanism Archives and Records Section.

62. As of 31 July 2014, the Victims and Witnesses Section had assisted 207 witnesses (and accompanying support persons) to travel to The Hague to give evidence. In addition, it continued to consult with witnesses on applications to vary their protective measures. Further, for its research regarding the long-term impact of giving testimony at the Tribunal, it completed 95 witness interviews. The Witness Protection Unit coordinated professional responses to threats to witnesses and continued working on relocating protected witnesses. The Victims and Witnesses Section supported the Mechanism in preparing policies and practices and developing shared access to its databases for the branches of the Mechanism in The Hague and Arusha.

63. The Courtroom Operations Unit supported four trials and seven appeals, including five videoconference links, four rule 92 bis missions and one site visit. It also assisted three self-represented accused through its *Pro Se* Office. As of 31 July 2014, in cooperation with the Judicial Records Unit, the Unit had processed 81 requests for assistance submitted by national jurisdictions.

64. The Office for Legal Aid and Defence continued to administer the legal aid system of the Tribunal, overseeing more than 200 defence team members. Of the 25 individuals in trial and appeal proceedings during the reporting period, 23 were found unable or partially unable to remunerate counsel and were thus granted legal aid. Approximately half of those cases were ranked at the highest complexity level. The Office also assisted detained witnesses with their legal representation and administered the appointment and remuneration of *amici curiae*. In addition, the Office provided assistance on legal, policy, and operational matters relating to the management of the legal aid system of the Mechanism.

65. As of 31 July 2014, the Judicial Records Unit had processed 3,562 Tribunal filings (49,585 pages), 425 Mechanism filings (3,064 pages) and 714 transcripts (57,005 pages). It also facilitated the sharing and transfer of judicial records between the Tribunal and the Mechanism.

66. The Conference and Language Services Section continued to provide interpretation, translation and court reporting services for the Tribunal. At the beginning of June 2014, it delivered the English translation of the French trial judgement issued in the *Prlić et al.* case. It did so only 13 months after the date of

the original judgement. With approximately 1.3 million words or 4,260 United Nations pages, this was the longest judgement ever translated by the Section.

67. The Office of Document Management merged with the Conference and Language Services Section in September 2013. Its work of processing translation requests and identifying duplicates saved approximately $400,000 over the reporting period.

68. The United Nations Detention Unit continued to support both the Tribunal and the Mechanism and was responsible for detaining up to 34 individuals in conditions meeting the applicable international standards. It facilitated the presence of detainees at court hearings, ensured the care and security of detained witnesses and implemented the provisional release of one detainee. The Unit continued to support self-represented accused in the preparation of their defence cases with a wide range of facilities. Detainees were provided with in-house medical care and specialist medical assistance. In addition, it facilitated medical examinations by court-appointed medical experts and by physicians chosen by detainees.

B. Administration Division

69. Under the leadership of the Registrar, the Tribunal was again successful in being granted its requested budget in its entirety. By resolution 68/256, the General Assembly decided to appropriate the full amount of $201,688,200 gross ($179,998,600 net) for the biennium 2014-2015.

70. During the biennium 2014-2015, extra budgetary resources are estimated at $1,079,300 to be utilized for a variety of Tribunal activities. As of 31 July 2014, cash donations of approximately $52.5 million had been received by the Voluntary Fund over the lifetime of the Tribunal. For the period from 1 August 2013 to 31 July 2014 the Tribunal received and administered $929,833 in voluntary cash contributions.

71. Under the leadership of the Registrar, the Administration Division continued to actively engage with both management and staff representatives in further implementing downsizing procedures. The Office of Internal Oversight Services noted that the comparative review and downsizing process implemented at the Tribunal represented "Best practice in leadership of a change process". The budget approved for the biennium 2014-2015 envisages a phased reduction of 361 temporary posts and general temporary assistance positions during the biennium. Approximately 50 per cent of staff members were supported in their career transition through a wide range of measures, including in-house workshops and individual coaching.

72. The Division also coordinated the finalization of the proposed budgets for the Tribunal and the Mechanism for the biennium 2014-2015. In accordance with the administrative closure plan approved in 2012, the administration building will be gradually vacated during the reporting period. All staff members in the administration building are expected to be relocated to the main building by the end of the biennium. Finally, during the reporting period the Administration Division provided overall administrative support to the Mechanism, which included, inter alia, the launch and start-up of the branch of the Mechanism in The Hague.

C. Office of the Registrar, Mechanism Archives and Records Section and Communications Service

73. The Immediate Office of the Registrar supported the Registrar in his overall responsibility of directing the Registry, including supervising all Registry sections and representing the Tribunal in its relations with the host State, embassies and ministries, the United Nations and other international organizations.

74. The Immediate Office also supported the Registrar in managing Mechanism registry operations in both Arusha and The Hague. With the latter branch in operation, the Tribunal Registry shifted its focus from setting up the branch to supporting judicial proceedings before the Mechanism and finalizing its policies and operating procedures. The staff of the Tribunal worked hand in hand with the staff of the Mechanism to ensure that the policies of the Mechanism reflected the most efficient and effective procedures and benefited from lessons learned at the Tribunal.

75. The Immediate Office continued to assist the Registrar and the Administration Division with the implementation of downsizing procedures. In light of the continuing decrease in the number of posts and reduction in staff, it also assisted in implementing the new structure for the Division of Judicial Support Services in pursuit of further efficiencies. Registry staff were assisted in applying their expertise to new tasks and becoming ever more multifunctional.

76. The Mechanism Archives and Records Section continued to support the Tribunal offices with the preparations for transferring the records to the Mechanism. To date, the Tribunal has transferred approximately 13 per cent of the estimated total volume of physical inactive records that are expected to be transferred to Section. The Section contributed to the further development of policies and procedures, such as the electronic mail policy of the Tribunal.

77. Utilizing the expertise of the Mechanism Archives and Records Section, the Registrar led the implementation of the emergency response and disaster recovery plan for the Tribunal, organizing disaster readiness measures. The Section continued to develop and implement the retention schedules of the Tribunal records, focusing on schedules for the records of Chambers and the Administration Division. The Section continued to provide records storage and retrieval services for Tribunal offices, including the destruction of time-expired records in compliance with approved retention schedules.

78. Interest in the work of the Tribunal remained extremely high, with the Communications Service continuing to provide information to a wide range of audiences. During the reporting period, the Tribunal welcomed almost 6,000 visitors.

79. The audience base for the social media platforms of the Tribunal continued to expand. The website provided a selection of judicial documents and the online broadcast of all trials in all available languages. The Communications Service also supported the development of an Internet platform for the Mechanism.

80. The outreach programme continued to deliver accurate factual information about the work of the Tribunal and to stimulate debate in the former Yugoslavia. It prepared an exhibition of the work and achievements of the Tribunal, displayed in The Hague and in Sarajevo, and also completed the second, and initiated the third, phase of its youth outreach project in high schools and universities in all countries

of the region, reaching almost 2,000 young people. The field offices of the Tribunal in Belgrade and Sarajevo organized 20 outreach events reaching approximately 1,000 individuals.

81. Two documentaries about the work of the Tribunal were produced. The first, entitled "*Through Their Eyes: Witnesses to Justice*", which highlights the crucial role that witnesses play in the work of the Tribunal, was screened in Bosnia and Herzegovina, Croatia, Serbia and The Hague, drawing significant media attention. The second, "*Crimes before the ICTY: Central Bosnia*" was completed in July 2014, and will also be widely screened and distributed in the former Yugoslavia and internationally.

82. The European Union has provided funding for the full continuation of the outreach programme until mid-2015, however it will not support the programme beyond that date. The Tribunal underscores the importance of General Assembly resolution 65/253, in which it encouraged the Secretary-General to continue to explore measures to raise voluntary funds for outreach activities. The Tribunal calls upon States and other donors to support outreach activities at this critical juncture.

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International Residual Mechanism for Criminal Tribunals

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly and of the Security Council the second annual report of the International Residual Mechanism for Criminal Tribunals, submitted by the President of the Mechanism in accordance with article 32 (1) of the statute of the Mechanism (see Security Council resolution 1966 (2010), annex 1).

* A/69/150.

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Letter of transmittal

Letter dated 1 August 2014 from the President of the International Residual Mechanism for Criminal Tribunals addressed to the President of the General Assembly and the President of the Security Council

I have the honour to submit the second annual report of the International Residual Mechanism for Criminal Tribunals, dated 1 August 2014, to the General Assembly and the Security Council, pursuant to article 32 (1) of the statute of the Mechanism.

(*Signed*) Theodor **Meron**
President

Second annual report of the International Residual Mechanism for Criminal Tribunals

Summary

The present report outlines the activities of the International Residual Mechanism for Criminal Tribunals from 1 July 2013 to 30 June 2014.

Following the opening of its branch in The Hague on 1 July 2013, the Mechanism is now operating on two continents and performing functions inherited from both the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia. These functions include attending to certain judicial matters, providing protection to witnesses, supervising the enforcement of sentences and managing archives.

During the reporting period, the President supervised matters related to the management of the Mechanism, coordinated the work of the Chambers and issued a number of orders and decisions, including on applications for early release and the designation of States in which convicted persons are to serve their sentences. The Appeals Chamber held a hearing in its first appeal from a judgement and issued a number of decisions in that and other cases. In addition, single judges rendered a substantial number of orders and decisions, primarily concerning the variation of protective measures for witnesses.

The Office of the Prosecutor focused on the activities within its remit, including the tracking of the remaining fugitives indicted by the International Criminal Tribunal for Rwanda, the rendering of assistance to national authorities and the prosecution of the Mechanism's first appeal from a judgement. In addition, the Office of the Prosecutor established systems and procedures to streamline its operations and ensure greater coordination between its offices at the two branches.

The Registry provided and coordinated a wide range of administrative and judicial support services for the Mechanism. It offered protection and support services to witnesses, worked on various aspects of the enforcement of sentences handed down by the Tribunals and collaborated with the Tribunals on the preparation of records and archives for transfer to the Mechanism. The Registry also assisted in the conclusion of a host State agreement with the United Republic of Tanzania and is managing the construction of the new premises for the Arusha branch. On the administrative front, the Mechanism continued to recruit a diverse and experienced staff.

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I. Introduction

1. The second annual report of the International Residual Mechanism for Criminal Tribunals outlines the activities of the Mechanism for the period from 1 July 2013 to 30 June 2014.

2. On 1 July 2013, the Mechanism opened its branch in The Hague. As a result, the Mechanism now has branches on two continents; the first branch, located in Arusha, United Republic of Tanzania, opened on 1 July 2012. Consistent with its statute and the transitional arrangements, the Mechanism has now assumed certain responsibilities and functions from the International Tribunal for the Former Yugoslavia, in addition to those functions transferred from the International Criminal Tribunal for Rwanda during the previous reporting period.

3. The Mechanism's mandate includes ensuring the trial of fugitives who are among the most senior leaders suspected of being the most responsible for crimes. To date, all fugitives indicted by the International Tribunal for the Former Yugoslavia have been apprehended and transferred to the Tribunal for trial. Among the persons indicted by the International Criminal Tribunal for Rwanda, nine individuals are still at large. Three of the nine are expected to be tried by the Mechanism; the cases of the remaining six have been referred to Rwanda for trial.

4. The Mechanism has also been mandated to conduct a number of other judicial activities, consistent with the provisions of its statute and the dates specified in the transitional arrangements. These activities include retrials of cases completed by the two Tribunals, appeals of their judgements and sentences, reviews of their proceedings, and contempt of court and false testimony cases.

5. In addition, the Mechanism has been tasked with assuming certain functions from the two Tribunals, including protection of victims and witnesses who have testified in the Tribunals' or the Mechanism's cases, management of the Tribunals' and the Mechanism's archives, supervision of the enforcement of sentences handed down by the Tribunals, responding to requests for assistance from national authorities in relation to the investigation or prosecution of those responsible for serious violations of international humanitarian law in the former Yugoslavia and Rwanda, and monitoring cases referred to national courts by the two Tribunals.

6. During the reporting period, the Mechanism conducted a range of judicial and other activities within its remit. In addition, the Mechanism further developed its legal and regulatory framework and engaged in significant recruitment efforts. Although it still relied on the Tribunals during the reporting period for support services, such as human resources, finance, budget, procurement, logistics, security, and information technology services, on 1 January 2014 the Mechanism began the gradual process of establishing its own administrative capacity.

II. Activities of the Mechanism

A. Organization

7. The Mechanism consists of three organs: (a) the Chambers, comprising a Trial Chamber for each branch of the Mechanism and an Appeals Chamber common to both branches of the Mechanism and presided over by the President; (b) the

Prosecutor, common to both branches of the Mechanism; and (c) the Registry, common to both branches of the Mechanism, which provides administrative services to the Mechanism, including the Chambers and the Prosecutor.

8. Each organ is headed by a full-time principal common to both branches and serving terms of four years. The President of the Mechanism is Judge Theodor Meron, the Prosecutor is Hassan Bubacar Jallow, and the Registrar is John Hocking.

9. The Mechanism is a temporary institution. As decided by the Security Council, the Mechanism shall operate for an initial four-year period, starting from 1 July 2012. Unless the Council decides otherwise, the Mechanism shall continue to operate for subsequent periods of two years, following reviews by the Council of the progress of the Mechanism's work, including in completing its functions.

B. Legal and regulatory framework

10. The Mechanism has continued to develop a structure to govern its activities, mindful of the need to develop rules, procedures and policies that harmonize and build upon the best practices of both the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia. During the reporting period, the Mechanism adopted practice directions on the requirements and procedures for appeals and the length of briefs and motions, and prepared other regulatory documents and policies.

C. Mechanism Coordination Council

11. Pursuant to rule 25 of the Mechanism's Rules of Procedure and Evidence, the Mechanism Coordination Council is composed of the President, the Prosecutor and the Registrar and meets on an ad hoc basis to coordinate the activities of the three organs of the Mechanism. The Council has met to discuss, inter alia, issues relating to the establishment of the Mechanism, the transfer of functions from the two Tribunals, budgetary matters, the regulatory framework and other matters of common concern. The Mechanism Coordination Council has also held joint meetings with the Coordination Council of the International Criminal Tribunal for Rwanda to discuss cross-cutting issues relating to the provision of services, budgetary matters and the transition of functions.

D. Rules Committee

12. The President assigned two Mechanism judges to a Rules Committee, namely Judge Vagn Joensen and Judge Carmel Agius, who are also the Chairs of the Rules Committees of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia, respectively. The Mechanism's Rules Committee is considering a number of proposals for amendments to the Rules.

E. Coordination with other tribunals

13. During the reporting period, the Mechanism coexisted with both the International Criminal Tribunal for Rwanda and the International Tribunal for the

Former Yugoslavia and benefited greatly from the two predecessor institutions, receiving significant operational and administrative support from them. The staff of the three institutions have worked together closely and shared institutional knowledge, expertise and lessons learned.

III. Activities of the President and the Chambers

A. Principal activities of the President

14. The President, in his capacity as the head of the Mechanism, engaged in many issues relating to the establishment and management of the Mechanism. He developed and adopted practice directions, held regular meetings with the Registrar on operational matters and represented the Mechanism in a variety of forums.

15. As mandated by the statute, during the reporting period the President submitted two six-monthly reports on the progress of the Mechanism to the Security Council and twice briefed the Council on the work of the Mechanism, in December 2013 and June 2014. In addition, the President presented the Mechanism's first annual report to the General Assembly (A/68/219-S/2013/464) in October 2013.

16. In November 2013, the President made his second visit to Rwanda as part of an official mission by representatives of both the International Criminal Tribunal for Rwanda and the Mechanism, which included the President of the Tribunal and the "double-hatted" Prosecutor of the Tribunal and the Mechanism. The representatives of both entities met with Rwandan officials to provide an update on the ongoing transition of the Tribunal's responsibilities and functions to the Mechanism. The President also visited countries of the former Yugoslavia to engage with government officials, attend public events and meet with victims' groups. In addition, he met with State officials and victims' groups from the former Yugoslavia in other locations, including The Hague.

17. In his judicial capacity, the President issued numerous assignment orders, as well as six decisions granting early release, a decision provisionally recognizing a sentence remission, six orders designating an enforcement State and other confidential orders and decisions. He ruled on two requests for administrative review of a decision by the Registrar of the Mechanism, one of which was confidential. The President dismissed without prejudice three requests for revocation in relation to cases transferred to Rwanda for prosecution and issued two other decisions relating to referred cases. He also partially denied a motion in a contempt-related matter. In addition, the President presided over the Appeals Chamber and served as pre-appeal judge on the Mechanism's first appeal from judgement, in the case of *Augustin Ngirabatware v. the Prosecutor*.

B. Principal activities of single judges/duty judge

18. During the reporting period, the Mechanism received a number of requests for access to confidential information or variation of protective measures for use in national proceedings under rule 86 of the Rules. At the Arusha branch, Judge Vagn Joensen, as the single judge, issued seven decisions on such requests during the reporting period. Similarly, at the Hague branch, Judge Bakone Justice Moloto

issued 23 such decisions during the reporting period. He also issued a decision concerning protective measures under rule 76 of the Rules.

19. In addition, Judge Joensen rendered four decisions denying post-appeal requests in the *Eliézer Niyitegeka* case and two decisions on allegations of contempt arising out of the *Augustin Ngirabatware* case. He also issued a decision and an order with respect to two confidential matters. Judge Moloto issued two decisions in contempt-related matters, an order following the receipt of material from a State and an order concerning a request for redaction and reclassification of material. Judge Burton Hall issued a decision on a confidential matter and an order concerning a request for redaction and reclassification of material.

20. In May 2014, at the request of the Prosecutor, Judge Joensen vacated the warrants from the International Criminal Tribunal for Rwanda for the arrest of Fulgence Kayishema, Phénéas Munyarugarama, Aloys Ndimbati, Ladislas Ntaganzwa, Charles Ryandikayo and Charles Sikubwabo, replacing them with Mechanism warrants for their arrest and transfer to Rwandan authorities. These warrants and orders are public and addressed to all Member States, which are obliged, under article 28 of the statute of the Mechanism, to comply with the requests without undue delay.

C. Principal activities of the Appeals Chamber

21. During the reporting period, the Appeals Chamber was seized of an appeal from judgement, concerning the *Augustin Ngirabatware* case. A trial chamber of the International Criminal Tribunal for Rwanda convicted Mr. Ngirabatware, a former Minister of Planning in Rwanda, of genocide, direct and public incitement to commit genocide, and rape as a crime against humanity, and sentenced him to 35 years of imprisonment. Mr. Ngirabatware appealed against the trial judgement, and the briefing was completed on 13 August 2013. The Appeals Chamber heard oral arguments in Arusha on 30 June 2014, after having rendered 10 pre-appeal orders and decisions. A decision in relation to three motions concerning the admission of additional evidence on appeal is pending, and a judgement is expected before the end of 2014.

22. In addition, as at the conclusion of the reporting period, the Appeals Chamber was seized of a request for review filed by Milan Lukić. The briefing in that case was completed on 10 April 2014. The President, in his capacity as either pre-review judge or presiding judge of the *Milan Lukić* case, rendered four orders and decisions dealing with various preliminary motions and other confidential requests. The Appeals Chamber also issued a decision on an appeal against a decision denying the revocation of the referral of the *Radovan Stanković* case to the authorities of Bosnia and Herzegovina, as well as a decision on appeals filed by Deogratias Sebureze and Maximilien Turinabo in relation to contempt proceedings.

23. As at 30 June 2014, the Appeals Chamber was seized of a request filed by Eliézer Niyitegeka for the assignment of counsel to assist him with an anticipated request for review. An additional confidential matter and a related motion were also pending before the Appeals Chamber.

IV. Activities of the Office of the Prosecutor

24. During the reporting period, the Office of the Prosecutor continued to discharge its mandate with respect to a variety of activities, including the tracking of fugitives, the rendering of assistance to national authorities, the monitoring of cases referred to national jurisdictions, the maintenance of fugitive files in anticipation of arrest and the prosecution of an appeal and other litigation before the Mechanism's Appeals Chamber.

25. In addition, the reporting period saw the establishment of systems and procedures to streamline operations and ensure greater coordination between the branches. The first joint branch meeting of the Office of the Prosecutor was held in Arusha in November 2013. Since then, the Prosecutor has issued two regulations (on the standards of professional conduct of prosecution counsel and on requests for assistance made by national authorities or international organizations to the Prosecutor) and an internal guideline (on disclosure of witness material in response to requests for assistance). In addition, the Prosecutor made available a guide on the Mechanism's website to assist authorities in making applications for variation of protective measures.

A. Arusha branch of the Office of the Prosecutor

26. The Arusha branch of the Office of the Prosecutor is fully staffed, with a total of 15 core staff in Arusha and the Kigali sub-office. A prosecution appeals team is also in place to handle the appeal from the judgement in the *Augustin Ngirabatware* case (see below). In addition, the Prosecutor is preparing a roster of potential staff in anticipation of the arrest and trial of the Mechanism's fugitives. The Arusha branch continues to receive support, where necessary, from the Office of the Prosecutor of the International Criminal Tribunal for Rwanda to ensure the smooth transition of functions.

1. Fugitive tracking and trial readiness

27. The responsibility for tracking the remaining fugitives indicted by the International Criminal Tribunal for Rwanda has devolved to the Mechanism. The arrest and prosecution of the top three fugitives, Augustin Bizimana, Félicien Kabuga and Protais Mpiranya, is a key priority, and the Prosecutor has further intensified efforts to track those fugitives, with particular emphasis on the Great Lakes and southern African regions.

28. The Prosecutor continues to receive support from the International Criminal Police Organization, the United States Department of State, through its War Crimes Rewards Program, and some Member States, and he is grateful for the Security Council's renewed and essential call, in its resolution 2150 (2014), for all Member States to cooperate with the Mechanism in the arrest and prosecution of the nine remaining fugitives.

29. Pursuant to article 28 (3) of the statute, the Prosecutor continues to render assistance, where possible, to the tracking of the six fugitives whose cases have been referred to Rwanda (Fulgence Kayishema, Phénéas Munyarugarama, Aloys Ndimbati, Ladislas Ntaganzwa, Charles Ryandikayo and Charles Sikubwabo).

2. Appeal and post-appeal proceedings

30. During the reporting period, the prosecution appeals team assumed responsibility for defending the *Ngirabatware* trial judgement on appeal. Briefing has been completed, and three status conferences were held, on 10 July and 8 November 2013 and on 12 February 2014. The team responded to motions by Augustin Ngirabatware for the admission of additional evidence on appeal. Oral arguments were heard by the Appeals Chamber on 30 June 2014.

31. The Office responded to post-conviction requests filed by Eliézer Niyitegeka and two other convicted persons. Mr. Niyitegeka filed four motions, of which three were dismissed by a single judge during the reporting period. The Office also responded to two applications for early release and an application for disclosure of certain documents filed by three convicted persons, respectively.

3. Assistance to national jurisdictions

32. During the reporting period, the Arusha branch of the Office of the Prosecutor received 74 requests for assistance from 14 Member States and international organizations and hosted a delegation from a national prosecuting authority. Responding to such requests involved searching for, identifying, reviewing and analysing relevant material in the evidence and information databases of the Office of the Prosecutor, seeking the consent of witnesses or providers of confidential information and/or filing submissions in relation to applications for variation of protective measures.

4. Preservation and management of archives

33. During the reporting period, the Office of the Prosecutor of the International Criminal Tribunal for Rwanda transferred 330 boxes of material concerning five completed cases and early investigation records to the Arusha branch of the Office of the Prosecutor.

34. The Office of the Prosecutor of the Tribunal is also working to classify its evidence collection records in accordance with Secretary-General's bulletin ST/SGB/2012/3 entitled "International Criminal Tribunals: information sensitivity, classification, handling and access" and the Mechanism's standard for preparation and transfer of records — digital records, before they are transferred to the Arusha branch. While much has been achieved, there is still much more to be done.

5. Monitoring of cases transferred to national jurisdictions

35. The Prosecutor continued to monitor progress in referred cases, namely the cases of Wenceslas Munyeshyaka and Laurent Bucyibaruta, which were transferred to France in 2007, and those of Jean Uwinkindi and Bernard Munyagishari, which were transferred to Rwanda in 2012 and 2013, respectively. The Prosecutor's monitoring is distinct from that being conducted by the Mechanism pursuant to article 6 of the statute, described in section V below.

36. In the Prosecutor's view, substantial progress has been achieved in the pretrial phase of the *Munyeshyaka* proceedings in France, now expected to be concluded by the end of 2014, with any possible trial expected to commence and be concluded by the end of 2015. According to reports to the Prosecutor from the French authorities, it is expected that the pretrial phase of the *Bucyibaruta* proceedings will be

concluded by the end of 2015, with any possible trial anticipated to commence and be concluded by the end of 2016.

37. The *Uwinkindi* trial in Rwanda began in the High Court on 14 May 2014 and continued on 4 June 2014. Hearings were to resume on 4 July 2014. The *Munyagishari* case is in pretrial proceedings; a date has yet to be fixed for the commencement of the trial.

6. Other projects

38. The Arusha branch of the Office of the Prosecutor continued to work with its counterpart in the International Criminal Tribunal for Rwanda on a number of projects, including a best practices manual for the investigation and prosecution of sexual and gender-based violence launched in January 2014, a related training programme to be conducted in the Great Lakes region later in 2014, the development of a best practices manual on the referral of international cases to national jurisdictions, and a consolidated account of the Rwandan genocide based on facts adjudicated in the judgements of the Trial and Appeal Chambers of the Tribunal.

B. The Hague branch of the Office of the Prosecutor

39. The Hague branch of the Office of the Prosecutor began operations on 1 July 2013. It is almost fully staffed, with 10 core staff members on board. In addition, an advance prosecution appeals team was established to handle appeals against judgements of the International Tribunal for the Former Yugoslavia before the Mechanism's Appeals Chamber. While preparing to deal with the first appeal from a Tribunal judgement expected before the Mechanism, these staff members continue to assist the Office of the Prosecutor of the Tribunal. Recruitment is in progress for further advance appeal teams to be in place by January 2015. Double-hatting arrangements are in place to make efficient use of resources.

1. Contempt proceedings

40. The Hague branch of the Office of the Prosecutor responded to three requests concerning allegations of contempt filed by Radovan Karadžić.

2. Appeal and post-appeal proceedings

41. The Hague branch of the Office of the Prosecutor has been preparing for the eventuality of an appeal in the case of Vojislav Šešelj, who is currently awaiting judgement before the International Tribunal for the Former Yugoslavia.

42. The Hague branch of the Office of the Prosecutor also responded to the appeal of Radovan Stanković against a decision of the Referral Bench of the Tribunal denying his request to revoke the referral of his case to Bosnia and Herzegovina. The Appeals Chamber dismissed the appeal.

3. Review proceedings

43. The Hague branch of the Office of the Prosecutor responded to a request for review of judgement by Milan Lukić. The request for review is pending before the Appeals Chamber.

4. Assistance to national jurisdictions

44. On 1 July 2013, the servicing of requests for assistance from national authorities and international organizations in relation to cases from the International Tribunal for the Former Yugoslavia moved to the Office of the Prosecutor of the Mechanism, with the exception of requests relating to ongoing cases before the Tribunal. The Hague branch of the Office of the Prosecutor received 244 requests for assistance from seven Member States and one international organization. The number of requests for assistance received was higher than had been anticipated in the budget, and a temporary position was created to manage the resulting backlog. The Hague branch of the Office of the Prosecutor also cooperates closely with liaison prosecutors from Bosnia and Herzegovina, Croatia and Serbia embedded in the Office of the Prosecutor of the Tribunal. Responding to requests for assistance included locating relevant material, certifying documents, contacting witnesses and seeking the consent of providers of confidential information. In addition, the Hague branch of the Office of the Prosecutor filed 16 submissions in relation to applications by requesting authorities for variation of protective measures.

45. The Hague branch of the Office of the Prosecutor participated in the annual regional conference of prosecutors from the former Yugoslavia held in Brijuni, Croatia. The Office is also in the process of negotiating memorandums of understanding with prosecutors in countries of the former Yugoslavia to entrench cooperation and mutual legal assistance and ensure continuity as the Office takes over these responsibilities from the Office of the Prosecutor of the International Tribunal for the Former Yugoslavia.

5. Requests from the Registrar of the Mechanism

46. During the reporting period, the Hague branch of the Office of the Prosecutor responded to requests for information from the Registrar of the Mechanism concerning the administration of sentences for 10 convicted persons.

6. Preservation and management of archives

47. The Hague branch of the Office of the Prosecutor is working with the Office of the Prosecutor of the International Tribunal for the Former Yugoslavia to prepare to hand over records from the latter to the former.

V. Activities of the Registry

48. The Registry is responsible for the provision of legal, judicial, policy, diplomatic and administrative support to the Mechanism's operations. In addition, it played a key role in the commencement of the Hague branch operations on 1 July 2013.

A. Administration, staffing and facilities

49. During the reporting period, the General Assembly, in its resolution 68/257, approved the Mechanism's budget presented by the Registrar in its entirety. In that resolution, the Assembly appropriated a total amount of $120,296,600 gross ($112,831,500 net) for the biennium 2014-2015. The budget includes: (a) a total of 30 new posts to set up a small independent administration for the Mechanism;

(b) the continuation of the 67 substantive posts approved in 2012-2013; and (c) the establishment of 29 substantive posts, which were previously provided under the budgets of the two Tribunals through the double-hatting arrangement. The post of Registrar continues to be funded by the budget of the International Tribunal for the Former Yugoslavia under the double-hatting arrangement throughout the biennium.

50. With the gradual introduction of the 30 administrative posts, the Mechanism began to transition away from dependence on the Tribunals. The transfer of administrative functions to the Mechanism began on 1 January 2014 and is being implemented gradually over the biennium, in step with the downsizing of the Tribunals and with a focus on ensuring efficiency, accountability and consistency.

51. As at 30 June 2014, a total of 133 staff (regular posts and general temporary assistance) had been recruited for the Mechanism: 67 for the Hague branch and 66 for the Arusha branch, including Kigali. The Mechanism's staff includes nationals of 48 States. Approximately 83 per cent of those recruited are current or former staff of the two Tribunals, and 49 per cent of all staff are female and 51 per cent male. Among staff in the Professional and higher categories, 51 per cent are female and 49 per cent male.

52. The Hague branch is co-located with the International Tribunal for the Former Yugoslavia, while the Arusha branch continues to be co-located with the International Criminal Tribunal for Rwanda but is expected to move to its new premises in 2016. The budget for the construction of the premises of the Arusha branch, included in the overall budget of the Mechanism, was approved by the General Assembly in its resolution 68/257 of 27 December 2013, and on 30 January 2014 the Secretary-General submitted his third report on the project (A/68/724).

53. The construction of the premises of the Arusha branch is proceeding as planned. The Mechanism concluded the contract with an architectural and engineering consultancy firm in February 2014 and published an expression of interest for the procurement of the services of a construction firm. On 5 February 2014, the United Nations and the Government of the United Republic of Tanzania signed an agreement concerning the construction of the premises. The Government of the United Republic of Tanzania will construct access roads and the facilities required to connect utilities to the site, in addition to generously providing the United Nations with the right of occupancy of the land at no cost. The Mechanism is grateful for the cooperation of the Government of the United Republic of Tanzania and for the technical advice of the Secretariat, in particular the Office of Central Support Services and the Office of Legal Affairs.

B. Support for judicial activities

54. The Registry supported judicial activities in both branches of the Mechanism by preparing and managing case hearings, processing judicial filings, assigning and remunerating defence teams and providing translations of correspondence and judicial documents.

55. Furthermore, the Registry coordinated the creation of rosters of qualified potential staff from both within and outside the two Tribunals in order to ensure that the Mechanism can expand its staffing component rapidly in the event of sudden judicial activity, for instance following the arrest of a fugitive.

56. In addition, the Registry expanded a roster of qualified counsel under rule 43 (B) of the Rules who can be assigned to suspects or accused, as well as a roster of duty counsel under rule 43 (C) of the Rules who are readily available to be assigned to an accused for the purposes of an initial appearance.

C. Support for other mandated activities

1. Witness support and protection

57. Pursuant to its statute and the transitional arrangements, the Mechanism is now responsible for witness support and protection functions in relation to thousands of witnesses who had testified in cases completed by the two Tribunals.

58. The Arusha branch of the Witness Support and Protection Unit continued to provide support to the witnesses who had testified in cases completed by the International Criminal Tribunal for Rwanda, including specialized care for witnesses who were victims of sexual or gender-based violence during the Rwandan genocide. In collaboration with government security agencies, as well as with the Office of the United Nations High Commissioner for Refugees in the case of refugee witnesses, both branches of the Unit ensured that reports of security concerns from witnesses were resolved quickly and satisfactorily. In addition, the Hague branch of the Unit continued to work on relocating protected witnesses.

59. As part of the commitment to continue strengthening the maintenance of witness-related records received from the International Criminal Tribunal for Rwanda, the Witness Support and Protection Unit began work on a witness database that would serve as a streamlined common tool for storing and maintaining witness information at both branches of the Mechanism.

60. At both branches, the Witness Support and Protection Unit continued to contact witnesses in response to requests from national jurisdictions seeking the rescission, variation or augmentation of protective measures pursuant to rule 86 of the Rules. The number of consultations with witnesses increased over the reporting period owing to an increased number of such requests.

2. Archives and records management

61. The archives of the two Tribunals, for which the Mechanism will take responsibility, comprise approximately 15,000 m of physical records and nearly 3 PB of digital data, including more than 100,000 hours of audiovisual recordings.

62. During the reporting period, the Mechanism Archives and Records Section continued to work closely with the Tribunals on the preparation of their records and archives for transfer to the Mechanism. The Section provided advice, guidance and practical assistance to staff of the Tribunals and facilitated the transfer of active records to the Mechanism's offices and of inactive records to the Section's repositories for storage. Of the estimated total volume of the Tribunals' inactive physical records that are expected to be transferred to the Section by closure of the Tribunals, to date the Section has received approximately 30 per cent from the International Criminal Tribunal for Rwanda and 13 per cent from the International Tribunal for the Former Yugoslavia.

63. The Mechanism Archives and Records Section has assumed responsibility for temporary repositories for physical records in Arusha and The Hague, pending the development of permanent repositories in both locations. In Arusha, the Section is contributing to the design and development of the Mechanism's new premises by preparing specifications and estimates of resource requirements for the building that will house the archives and advising on requirements for storage of the Mechanism's active records. In The Hague, the Section is contributing to the development of functional requirements for housing the Tribunals' archives. The Section is also determining the requirements for a digital repository for the preservation of the Tribunals' digital archives.

64. During the reporting period, the Mechanism Archives and Records Section continued to develop the Mechanism's records and archives policies, including a record-keeping policy, an e-mail policy, standards on storing metadata, records retention schedules, and guidelines on managing sensitive information. The Section has also begun developing a comprehensive electronic document and record management system for non-judicial records and is contributing to the development of a system for judicial records.

65. On 1 January 2014, the Mechanism Archives and Records Section assumed responsibility for managing the resource and research centre of the International Criminal Tribunal for Rwanda, which is one of the best international law research resources in East Africa. The centre provides research and reference services to the Tribunal and Mechanism staff, as well as to external users, including the general public. On 1 March 2014, the Section also assumed responsibility for managing the Judicial Records Unit of the International Tribunal for the Former Yugoslavia, which manages that Tribunal's judicial records and is preparing them for transfer to the Mechanism.

3. Enforcement of sentences

66. During the reporting period, the Arusha branch was enforcing up to 29 sentences in 2 countries and the Hague branch was enforcing up to 21 sentences in 14 countries. The Mechanism actively sought the cooperation of existing enforcement States in enforcing the sentences of the two Tribunals and continued efforts to negotiate additional agreements with States in order to increase its enforcement capacity. Pursuant to decisions by the President, the Registry also oversaw the early release of three persons convicted by the International Criminal Tribunal for Rwanda and seven persons convicted by the International Tribunal for the Former Yugoslavia.

67. The Registry has developed a model sentence enforcement agreement that reflects the new legal framework of the Mechanism and current practice in the enforcement of sentences. The model agreement forms the basis for negotiations with potential enforcement States.

68. The Mechanism is grateful to those Member States that are enforcing sentences and to those that are willing to consider concluding sentence enforcement agreements. The Mechanism is also grateful to the Department of Safety and Security of the Secretariat, the designated official in Mali and the United Nations Multidimensional Integrated Stabilization Mission in Mali for their advice and reports regarding the security situation in Mali, where a number of convicted persons under the responsibility of the Mechanism are serving their sentences.

4. Assistance to national jurisdictions

69. The Registry facilitates requests from national authorities, or parties to national proceedings, for assistance in connection with the investigation and prosecution of individuals charged in relation to the genocide in Rwanda or the conflict in the former Yugoslavia. During the reporting period, the Registry received, considered and responded to numerous requests for assistance, including requests to question detained persons and protected witnesses, to vary protective measures of witnesses and to retrieve and transmit confidential material to national authorities.

5. Monitoring of referred cases

70. In accordance with article 6 (5) of the statute, the Mechanism concluded two memorandums of understanding with an international body, the International Senior Lawyers Project, for the monitoring of cases referred to Rwanda and France by the International Criminal Tribunal for Rwanda. The Registry also approached other international and regional organizations or bodies to assist in identifying potential monitors. Staff members of the Mechanism and of the two Tribunals continued to monitor the cases pending the finalization of those arrangements. Public monitoring reports are available from the Mechanism's website.

6. External relations and information-sharing

71. The Mechanism's website is available in English and French and also provides basic information on the institution's mandate and activities in Kinyarwanda and Bosnian/Croatian/Serbian. During the reporting period, the website had 159,000 page views. The website's collection of documents is growing: it currently contains more than 400 documents in English and French, and work is ongoing to add judicial documents in Kinyarwanda and Bosnian/Croatian/Serbian. In addition, two major projects have been developed, namely the case law database of the two Tribunals, which is an international criminal justice research tool, and a website entitled "The ICTR remembers", which commemorates the twentieth anniversary of the 1994 genocide in Rwanda.

72. During the reporting period, the Mechanism took additional steps to ensure that key information is accessible to individuals in Rwanda and the former Yugoslavia. For example, in conjunction with the International Criminal Tribunal for Rwanda, the Mechanism registered 38 judgements translated into Kinyarwanda as official judicial records and is exploring how best to make these records accessible to more people in Rwanda.

VI. Conclusion

73. Consistent with its statutory mandate, the Mechanism now has branches on two continents and is engaged in performing functions inherited from both the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia. The Mechanism is committed to continuing to harmonize and adapt the jurisprudence, processes and procedures of the two Tribunals in order to build a small, efficient and unified institution that reflects and adheres to best practices.